

September 5, 1942

F.A.
Hon. Sidney P. Osborn
Governor of Arizona
State House
Phoenix, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Sir:

We have your letter of September 3d enclosing a copy of a letter from Mr. P.W. Newbury, County Recorder of Cochise County, in which letter Mr. Newbury refers to our election laws, and particularly to the time within which an elector may appear before a registration officer to mark his ballot and subscribe to the required affidavit. In his letter Mr. Newbury expresses the opinion that if the elector makes his application for an absentee ballot before the Saturday preceding an election on Tuesday that such elector may appear before any registration officer and mark his ballot and subscribe to the affidavit at any time prior to election day and on election day, if the ballot can be delivered to the County Recorder before 6 P.M. of election day.

We agree with Mr. Newbury's interpretation of the law, Section 55-1302, A.C.A. 1939 only limits the time for making an application for an absentee ballot and does not attempt to fix the time in which the elector may mark his ballot and subscribes the affidavit and we are unable to find any other statute which prescribes any limitation of time for the elector to mark his ballot.

Section 55-1308 provides that absentee ballots received by the County Recorder before 6 P.M. on election day shall be by him delivered to the absentee board at 6 P.M. election day. To our mind this indicates that the legislature intended that the elector could mark his ballot after the Friday preceding the election if the ballot can reach the hands of the County Recorder of the county in which the elector is registered before 6 P.M. on election day.

Yours truly,

JOE CONWAY
Attorney General

Special EARL ANDERSON
Assistant Attorney
General